

As indicated in its affidavit, since Trans Union was not aware of this matter until August 24, the default was not willful. This case is in its early stages; there is no prejudice to the plaintiff.

"Whether a defense is meritorious 'is measured not by whether there is a likelihood that it will carry the day, but whether [*21] the evidence submitted, if proven at trial, would constitute a complete defense.'" *State Street Bank & Trust Co. v. Inversiones Errazuriz Limitada*, 374 F.3d at 167 (citing *Enron Oil Com. v. Diakuhara*, 10 F.3d at 98). "This standard applies regardless of whether there has been ... an opportunity for discovery." *Id.* In light of the fact that default judgments are generally disfavored, the Second Circuit has held that all of the factors for vacating a default judgment, including the meritorious defense factor, "should be construed generously." *Enron Oil Corp. v. Diakuhara*, 10 F.3d at 96. Trans Union has stated that it maintains and follows numerous, detailed procedures, designed to assure accuracy. If believed, this would constitute a complete defense.

I grant Trans Union's motion to set aside the default.

SO ORDERED.

Dated: October 19 2021
New York, New York

/s/ Andrew L. Carter, Jr.
ANDREW L. CARTER, JR.
United States District Judge